

**Amendments to the Drawings:**

The drawing sheets attached in connection with the above-identified application containing Figures 1-4 are being presented as drawing sheets to be substituted for the previously submitted drawing sheets. Figures 2 and 3 have been amended. Appended to this amendment are annotated copies of the previous drawing sheets which have been marked to show the changes presented in the replacement sheets.

The specific changes which have been made to Figure 2 are (1) the addition of reference character 9a and its corresponding leader line; and (2) moving the reference character 9 and its corresponding leader line.

The specific changes which have been made to Fig 3 are: (1) reference character 10 has been changed to reference character 11; and (2) reference character 9 on the left side of the axis 59 has been changed to reference character 10.

### **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 37-70 are now pending in this application.

Applicant wishes to thank the Examiner for the careful consideration given to the claims.

#### **Priority**

Applicant respectfully requests acknowledgement of the certified copy of the priority document having been received for this National Stage application from the International Bureau.

#### **Drawings:**

An objection has been made in reference to the drawings because (1) the reference character 10 has been used in Fig. 3 to designate the air tube; (2) the drawings do not show the gas tube being located inside the air tube as recited in claim 8; (3) the drawings do not show the detachable connection device; and (4) the reference character 9 has been used to designate both the fixed pipe and its aperture. The objection is traversed for at least the following reasons.

Fig. 3 has been amended so that reference character 10 designates the gas tube.

Claim 8 has been canceled, which renders this objection moot.

The drawings do show the detachable connection devices. For example and according to one embodiment, the appliance 8 as seen in Figs. 2-3 of the present application includes a fixed pipe 9 and a male tubular element 28 which comprise the detachable connection devices.

The specification and drawings have been amended so that reference character 9 refers to the fixed pipe and reference character 9a refers to the aperture of the fixed pipe.

For at least these reasons, favorable reconsideration of the objection is respectfully requested.

#### **Specification**

An objection has been made in reference to the disclosure because the Abstract should not refer to the purported merits or speculative applications of the invention, should not

compare the invention with the prior art, and should not contain extensive mechanical and design details and for a minor typographical error at page 5, line 5. The Abstract and written description has been amended to address these informalities. For at least this reason, favorable reconsideration of the objection is respectfully requested.

Claim rejections

Claims 1-36 have been rejected over the prior art. Claims 1-36 have been canceled, which renders the rejections of these claims moot. For at least this reason, favorable reconsideration of the rejections is respectfully requested.

Allowability of claims 37-71

Claim 37 recites, among other things, an air tube comprising opposing first and second wall regions connected by longitudinal wall regions such that an inside space is enclosed by the first, second, and longitudinal wall regions; and a gas tube comprising an aperture for providing gas inwards to the air tube. The air tube comprises a first aperture at the first wall region for receiving the back tube of the gas burner. The aperture of the gas tube is provided with a first part of a detachable connection device, for receiving a second part of the detachable connection device provided on the back tube for allowing gas from the gas tube to enter the back tube.

No combination of U.S. Patent 3,021,893 (“Hönger”), U.S. Patent 4,762,530 (“Koziol”), and U.S. Patent 6,665,950 (“Riepe”) teaches or discloses this combination of features. For instance, Hönger and Riepe do not teach or suggest an air tube comprising opposing first and second wall regions connected by longitudinal wall regions such that an inside space is enclosed by the first, second, and longitudinal wall regions and a first aperture at the first wall region for receiving the back tube of the gas burner. Pages 5 and 10 of the Office Action correctly states that Hönger and Riepe do not teach or suggest an air tube comprising a first aperture at the first wall region for receiving the back tube of the gas burner. Koziol does not cure the deficiencies of Hönger and Riepe.

It is alleged that Koziol discloses an air tube in the form of the post 15. (Pages 5-6 and 10-11 of the Office Action.) However, the post 15 is merely a tubular member for supporting the base member 14. (Column 3, lines 43-47 and Fig. 1 of Koziol.) The post 15 of Koziol does not have opposing first and second wall regions connected by longitudinal wall regions

such that an inside space is enclosed by the first, second, and longitudinal wall regions and a first aperture at the first wall region for receiving the back tube of the gas burner. Indeed, the post 15 of Koziol does not have a first aperture at a first wall region because the post 15 is merely a tube. Thus, no combination of Hönger, Koziol, and Riepe discloses first and second wall regions connected by longitudinal wall regions such that an inside space is enclosed by the first, second, and longitudinal wall regions. and a first aperture at the first wall region for receiving the back tube of the gas burner. Therefore, claim 37 is allowable over Hönger, Koziol, and Riepe.

Furthermore, a rejection based on Hönger, Koziol, and Riepe (such as those applied to canceled claims 1-36) would be improper because the proposed modification requires a change of function for the post 15 of Koziol from a support member to an air tube. As a result, the incorporation of the post of Koziol as an air tube in the gas burner of Hönger and/or the radiator of Riepe is tantamount to changing the function of the post of Koziol. MPEP 2143 provides that a rejection based on a rationale of combining prior art elements according to known methods to yield predictable results cannot be maintained if each element in the combination does not merely perform the same function as it does separately. Because the function of the post of Koziol changes in the combination, such a modification is not obvious and a rejection based on the modification would be improper. Thus, claim 37 is allowable over Hönger, Koziol, and Riepe.

Claim 46 recites, among other things, a radiant panel; and a back tube for providing air and gas to the radiant panel. The back tube has an orifice for allowing air from the air tube to enter inside the back tube. The air tube comprises opposing first and second wall regions connected by longitudinal wall regions such that an inside space is enclosed by the first, second, and longitudinal wall regions, and a first aperture at the first wall region for receiving the back tube. The back tube is provided with a second part of the detachable connection device for receiving a first part of the detachable connection device present at the aperture of the gas tube.

As previously mentioned, no combination of Hönger, Koziol, and Riepe teaches or discloses an air tube comprising opposing first and second wall regions connected by longitudinal wall regions such that an inside space is enclosed by the first, second, and longitudinal wall regions, and a first aperture at the first wall region for receiving the back

tube. Also, a rejection based on Hönger, Koziol, and Riepe (such as those applied to canceled claims 1-36) would be improper because the proposed modification requires a change of function for the post 15 of Koziol from a support member to an air tube. Thus, claim 46 is allowable over Hönger, Koziol, and Riepe.

Claim 57 recites, among other things, at least one gas burner comprising a radiant panel, and a back tube for receiving air and gas to be combusted and for providing air and gas to the radiant panel; and an appliance for providing air and gas to the gas burner, wherein the appliance comprises an air tube and a gas tube. The gas tube comprise an aperture for providing gas inwards to the air tube. The air tube comprises opposing first and second wall regions connected by longitudinal wall regions such that an inside space is enclosed by the first, second, and longitudinal wall regions, and a first aperture at the first wall region for receiving the back tube. The back tube has an orifice for allowing air from the air tube to enter inside the back tube. The aperture of the gas tube is provided with a first part of a detachable connection device, for receiving a second part of the detachable connection device provided on the back tube for allowing gas from the gas tube to enter the back tube.

As previously mentioned, no combination of Hönger, Koziol, and Riepe teaches or discloses an air tube comprising opposing first and second wall regions connected by longitudinal wall regions such that an inside space is enclosed by the first, second, and longitudinal wall regions, and a first aperture at the first wall region for receiving the back tube. Also, a rejection based on Hönger, Koziol, and Riepe (such as those applied to canceled claims 1-36) would be improper because the proposed modification requires a change of function for the post 15 of Koziol from a support member to an air tube. Thus, claim 57 is allowable over Hönger, Koziol, and Riepe.

Claims 38-45, 47-56, and 58-70 depend from and contain all the features of claims 37, 46, or 57 and are allowable for the reasons provided above, without regard to the further patentable features contained therein.

For at least these reasons, allowance of claims 37-70 is respectfully requested.

#### Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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